

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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|------------------------|---|------------------------|
| AMAL ELTAIB | : | |
| Plaintiff, | : | Case No. 1:22-cv-00403 |
| | : | |
| v. | : | CIVIL COMPLAINT |
| | : | |
| WALMART STORES EAST LP | : | JURY TRIAL DEMANDED |
| Defendant. | : | |

NOW COMES the Plaintiff, Amal Eltaib, by and through her attorneys, Waystack Frizzell, and for her cause of action against the Defendant pleads and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Amal Eltaib (hereinafter referred to as “Ms. Eltaib”) is a citizen the State of Vermont, is over the age of 18, and is, in all respects, *sui juris*.
2. At all times relevant to this action, Ms. Eltaib resided in her home in St. Johnsbury, Caledonia County, Vermont.
3. Defendant Walmart Stores East LP, (hereinafter referred to as “Walmart”), is a foreign limited partnership organized in the state of Arkansas with a place of business in Littleton, Grafton County, New Hampshire (Walmart #2681, hereinafter referred to as “Littleton Walmart”).
5. Upon information and belief, at all times pertinent to this complaint, the Littleton Walmart was under the control of Walmart.

6. On or about 08/29/2020, Ms. Eltaib visited the Littleton Walmart located at or about 615 Meadow St., Littleton, New Hampshire.
7. Upon entering the Littleton Walmart, Ms. Eltaib slipped and fell on a wet floor that was negligently maintained and poorly warned.
8. The parties are citizens of different states and the amount in controversy is in excess of \$75,000, exclusive of costs and interest. Pursuant to 28 USC § 1332, this Court has proper jurisdiction.
9. The injurious fall that makes the basis of this Complaint occurred in the Town of Littleton, Grafton County, New Hampshire, which is within the District of New Hampshire. Pursuant to 28 USC § 1391, This Court has proper venue.

FACTS

10. Ms. Eltaib hereby incorporates by reference all statements and allegations contained in the previous paragraphs as if fully set forth herein.
11. At all times relevant, Ms. Eltaib was going to the Littleton Walmart to shop for various products.
12. Upon entering the building, and while in the exercise of due care, she slipped and fell on a wet floor, injuring her knee, lower back, and neck; and reinjured her left knee, for which she had recently received a total knee replacement.
13. Ms. Eltaib ultimately had additional surgery on her knee, and continues to treat medically.

COUNT I
(Charge against Walmart)

14. Ms. Eltaib hereby incorporates by reference all statements and allegations contained in the previous paragraphs as if fully set forth herein.
15. At all relevant times, Walmart had a duty to maintain the Littleton Walmart in a safe condition for its business invitees.
16. This included the duty to ensure that the Littleton Walmart floor was safe for customers to walk across, even under wet conditions.
17. Walmart breached the duties set forth above by failing to properly warn about the wet floor and/or by failing to keep the flooring safe for normal ingress and egress.
18. Ms. Eltaib slipped and fell as a result of Walmart's failure to properly warn about the wet floor and/or maintain the floor.
19. As a result of her fall, Ms. Eltaib suffered serious and permanent injuries, incurred significant medical bills, lost wages, and experienced other damages.

DAMAGES

20. As a result of her slip and fall, Ms. Eltaib suffered losses, including but not limited to:
 - a. Physical injuries, resulting in medical bills, past, present, and future;
 - b. Temporary and Permanent impairment to her whole person;
 - c. Pain and suffering, past, present, and future;

- d. Lost wages;
- e. Hedonic damages / loss of enjoyment of life; and,
- f. Costs of this action.

WHEREFORE, Ms. Eltaib seeks judgment against the Defendant, Walmart, for damages, together with costs incurred herein, as well as pre-judgment interest and any further relief this Court finds just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues triable as a matter of right in the above-referenced matter.

Dated: October 6, 2022

AMAL ELTAIB, Plaintiff

By and through her Attorneys
Waystack Frizzell, Trial Lawyers

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